

Serial No. 09/730,010

Docket No. 015916-277

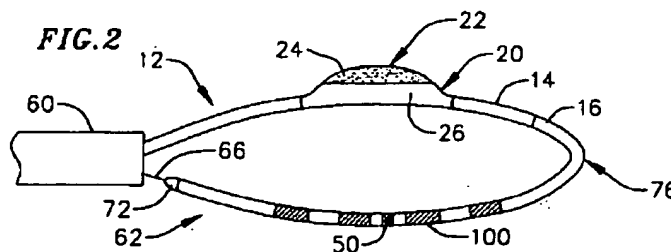
REMARKS**I. PRELIMINARY REMARKS**

Claims 11, 14 and 37 have been amended. Claims 42-44 have been added. Claims 19, 20, 40 and 41 have been canceled. Claims 11-18, 21-30, 37-39 and 42-44 remain in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

Claim 11 has been objected to because of a typographical error. Applicant respectfully submits that the error identified by the Office Action, as well as another error identified by applicant during preparation of this Amendment, have been corrected and that the objection should be withdrawn.

II. BRIEF DESCRIPTION OF AN EXEMPLARY EMBODIMENT

The present inventions, as defined by the claims, are directed to probes that may be used for therapeutic purposes. Referring to Fig. 2, one exemplary probe includes a catheter 12 that is carried within a sheath 60. The catheter 12 may be bent into a loop 62 using a pull wire 66 (Fig. 2) or by connecting the catheter to distal end of the sheath 60 (Fig. 14). An inflatable electrode 20 is supported on the catheter 12. The exemplary inflatable electrode 20 is in the form of a half-balloon with a microporous region 22. [See, e.g., Fig. 3 and page 10, lines 7-17.] A thermocouple 50 and electrodes 100 are supported on the catheter 12 distal of the inflatable electrode 20. The probe 12 may also include a hinge at loop apex 76. [See, e.g., Fig. 13 and page 16, lines 12-24.]



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III. PRIOR ART REJECTION

A. The Rejection

Claims 11-30 and 37-41 have been rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,076,012 to Swanson ("the Swanson '012 patent"). As claims 19, 20, 40 and 41 have been canceled, the rejection thereof under 35 U.S.C. § 102 have been rendered moot. The rejection of the remaining claims under 35 U.S.C. § 102 is respectfully traversed with respect to the claims as amended above. Reconsideration thereof is respectfully requested.

B. Standard of Evaluation Under 35 U.S.C. § 102

"A rejection for anticipation under section 102 requires that **each and every** limitation of the claimed invention be disclosed in a single prior art reference." *In re Paulsen*, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994) (citations omitted). Additionally, an anticipation rejection under 35 U.S.C. § 102 cannot be based on an Examiner selectively piecing together portions of two otherwise unrelated devices, even if they are discussed in the same reference. *In re Arkley, Eardley, and Long*, 172 USPQ 524, 526 (CCPA 1972) (picking, choosing and combining unrelated disclosures within a reference has no place in the making of an anticipation rejection).

C. Discussion Concerning Claims 11-13, 18 and 37

Independent claim 11 calls for a combination of elements comprising "an outer member," "an elongate body carried within the outer member interior bore and defining a distal region and a distal end operably connected to the distal end of the outer member," "an inflatable tissue coagulation body supported on the elongate body distal region" and "at least one **sensing element** supported on the elongate body **distal of the inflatable tissue coagulation body**." The combinations defined by claims 12, 13,

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18 and 37 include, *inter alia*, the elements recited in claim 11. The cited reference fails to teach or suggest such combinations.

Although the Swanson '012 patent does disclose the use of temperature sensors 540 in the context of the electrodes 28 (note Figure 3A), the Swanson '012 patent does suggest placing a temperature sensor ***distal of*** the inflatable electrode body 428.

As the Swanson '012 patent fails to teach or suggest each and every element of the combination recited in independent claim 11, applicant respectfully submits that claims 11-13, 18 and 37 are patentable thereover and that the rejection under 35 U.S.C. § 102 should be withdrawn.

D. Discussion Concerning Claims 14-16, 21-30 and 38

Independent claim 14 calls for a combination of elements comprising "an outer member" "an elongate body carried within the outer member interior bore and defining a distal region and a distal end operably connected to the distal end of the outer member, ***the distal region of the elongate body including a hinge portion located proximal of the distal end***" and "an inflatable tissue coagulation body." The combinations defined by claims 15, 16 and 38 include, *inter alia*, the elements recited in claim 14. Independent claim 21 is directed to "a probe for use with an outer member" comprising "a tissue coagulation body" and "an elongate body, defining a distal region that supports the tissue coagulation body, adapted to be carried within the outer member interior bore and extend outwardly from the interior bore such that the distal region forms a loop, ***the elongate body including a hinge portion defining the apex of the loop***." The combinations defined by claims 22-30 include, *inter alia*, the elements recited in claim 21. The cited reference fails to teach or suggest such combinations.

For example, the Swanson '012 patent discloses a variety of devices that include a catheter and sheath arrangement that this used to form a loop. In contrast to the inventions defined by independent claims 14 and 21, however, the ***catheters*** disclosed in the Swanson '012 patent do not include a "hinge portion," as this term would be understood by one of skill in the art who had reviewed the present application.

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As the Swanson '012 patent fails to teach or suggest each and every element of the respective combinations recited in independent claims 14 and 21, applicant respectfully submits that claims 14-16, 21-30 and 38 are patentable thereover and that the rejection under 35 U.S.C. § 102 should be withdrawn.

E. Discussion Concerning Claims 17 and 39

Independent claim 17 calls for a combination of elements comprising "an outer member," "an elongate body carried within the outer member" and **"a half-balloon tissue coagulation structure supported on the elongate body distal region."** The combination defined by claim 39 includes, *inter alia*, the elements recited in claim 17. The cited reference fails to teach or suggest such combinations.

For example, even assuming for the sake of argument that the Swanson inflatable electrode body 428 (Figures 82-85) is a "balloon tissue coagulation structure," it is not a "half-balloon," as this term would be understood by one of skill in the art who had reviewed the present application. Instead, the Swanson inflatable electrode body 428 is a full balloon that inflates in all radial directions relative to the underlying catheter.

As the Swanson '012 patent fails to teach or suggest each and every element of the combination recited in independent claim 17, applicant respectfully submits that claims 17 and 39 are patentable thereover and that the rejection under 35 U.S.C. § 102 should be withdrawn.

IV. CLOSING REMARKS

In view of the foregoing, it is respectfully submitted that the claims in the application are in condition for allowance. Reexamination and reconsideration of the application, as amended, are respectfully requested. Allowance of the claims at an early date is courteously solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call applicant's undersigned

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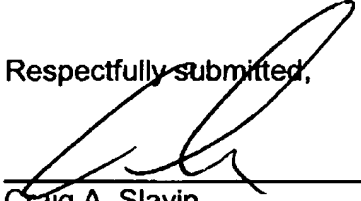
representative at (310) 563-1458 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0638. Should such fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefor.

12/2/05
Date

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Respectfully submitted,



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